

REMARKS

Telephonic Interview Request

Applicants respectfully request a telephonic interview after the Examiner has reviewed the instant response and amendment. Applicants request the Examiner call Applicants' representative at 858 720 5133.

Interview Summary

Applicants thank the Examiner for the very courteous and helpful interview with Applicants' representative Kimberley Kluge, Esq., of VIRxSYS Corporation, on January 11, 2007. Applicants have endeavored to amend the claims as discussed in that interview, as noted below, to place the claims in conditions for allowance. If the Examiner has any additional questions or concerns, please call Examiner call Applicants' representative, ask requested above.

Status of the Claims

Pending claims

Claims 1 to 10 and 14 to 36 are pending and under consideration (the claims were last amended in Applicants' submission of November 27, 2006).

Outstanding Rejections

Claims 1 to 10 and 14 to 36, are newly rejected under 35 U.S.C. §112, second paragraph. Applicants respectfully traverse all outstanding objections to the specification and rejection of the claims.

Support for the Claim Amendments

The specification sets forth an extensive description of the invention in the amended claims in this and previous responses. For example, support for embodiments wherein the at least first and second pseudotyped lentiviral vectors are designed to express no viral protein-encoding sequences and each express sequences comprising the gene sequence of interest in either a sense or an antisense orientation can be found, inter alia, in paragraph [0051] of this application's publication having serial number 20040203017, having a publication date of October 14, 2004.

Accordingly, Applicants submit that no new matter has been introduced and the instant amendment can be properly entered.

Issues under 35 U.S.C. §112, second paragraph

Claims 1 to 10 and 14 to 36, are rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite, for reasons set forth on pages 2 to 3 of the OA.

The phrase “both the first and the second pseudotyped lentiviral vector...”

It was alleged that the phrase “... both the first and the second pseudotyped lentiviral vector can only express the at least part of the polypeptide-encoding sequence of interest or complementary sequence thereof ...” is not clear. The instant amendment addresses this issue.

Applicants thank the Examiner for acknowledging their remarks in their after final response of August 29, 2006, and for the interview with Applicants’ representative Kim Kluge in January, 2007; the instant amendment endeavors to place the claims in condition for allowance based on the discussion of the claims from that interview.

The term “high throughput”

Applicants thank the Examiner for acknowledging their remarks in their after final response of August 29, 2006, and for the interview with Applicants’ representative Kim Kluge, and agreeing to withdraw the section 112, second paragraph, rejection based on “*high throughput*”.

Accordingly, the rejection under section 112, second paragraph can be properly withdrawn.

CONCLUSION

In view of the foregoing amendment and remarks, Applicants respectfully aver that the Examiner can properly withdraw the rejection of the pending claims under 35 U.S.C. §112, second paragraph. The amendment places the case in condition for allowance, does not raise any issues of new matter and the amended claims do not present new issues requiring further consideration or search. Applicants respectfully submit that all claims pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing Docket No. **397272000500**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

After the Examiner has reviewed this RCE response and amendment, if the Examiner believes a telephonic interview would help expedite prosecution, please call Applicants' representative at (858) 720-5133.

Dated: March 29, 2007

Respectfully submitted,
By_/Gregory P. Einhorn/

Gregory P. Einhorn
Registration No.: 38,440
MORRISON & FOERSTER LLP
12531 High Bluff Drive
Suite 100
San Diego, California 92130-2040
direct dial 858 720 5133
general office 858 720 5100
fax direct 858 523 5933
fax office 858 720 5125
Email geinhorn@mofo.com